

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
TERRY CRABTREE, JUDGE

DIVISION II

CA 06-302

October 25, 2006

SUPERIOR INDUSTRIES  
CROCKET ADJUSTMENT  
APPELLANTS

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[F411607]

V.

FRANK DEHNER  
APPELLEE

AFFIRMED

By order filed December 29, 2005, the Workers' Compensation Commission reversed the decision of the Administrative Law Judge denying benefits to appellee. The Commission found that appellee had met his burden of proving with objective medical findings that his carpal-tunnel syndrome arose out of and in the course of his employment and that his work-related injury is the major cause of his disability or need for medical treatment. Accordingly, the Commission awarded benefits to appellee.

Appellant asserts on appeal that the Commission's finding that appellee's carpal tunnel syndrome constitutes a compensable injury is not supported by substantial evidence. We affirm.

In reviewing decisions from the Workers' Compensation Commission, we view the

evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings and affirm if they are supported by substantial evidence. *Carman v. Haworth, Inc.*, 74 Ark. App. 55, 45 S.W.3d 408 (2001). Substantial evidence is evidence that a reasonable person might accept as adequate to support a conclusion. *Id.* We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *Searcy Indus. Laundry v. Ferren*, 82 Ark. App. 69, 110 S.W.3d 306 (2003). It is the function of the Commission to determine the credibility of witnesses and the weight to be given their testimony. *Id.* Once the Commission has made its decision on issues of credibility, the appellate court is bound by that decision. *Cottage Café, Inc. v. Collette*, \_\_\_ Ark. App. \_\_\_, \_\_\_ S.W.3d \_\_\_ (Feb. 1, 2006).

A compensable injury must be established by medical evidence supported by objective findings. Ark. Code Ann. § 11-9-102(4)(D) (Repl. 2002). To seek workers' compensation benefits for a gradual-onset injury a claimant must prove by a preponderance of the evidence that (1) the injury arose out of and in the course of his or her employment; (2) the injury caused internal or external physical harm to the body that required medical services or resulted in disability or death; and (3) the injury was a major cause of the disability or need for treatment. Ark. Code Ann. § 11-9-102(4)(A)(ii) and (E)(ii) (Repl. 2002). Because carpal-tunnel syndrome is by definition a gradual-onset injury, it is not necessary that the claimant prove that this injury was caused by rapid repetitive motion. *Kildow v. Baldwin Piano & Organ*, 333 Ark. 335, 969 S.W.2d 190 (1998).

Appellee worked for Superior Industries for ten years, with eight-and-one-half years of that time being spent in the polishing department. He testified that during his time in the polishing department he was working ten to twelve hours a day, six days a week. His work as a polisher required that he use a facing gun and a grinder, both of which required constant use of his hands. As part of appellee's work in the polishing department he also worked in copper buff, which entailed orbiting and lathing. He testified that he used his hands "pretty much the entire time." After working for eight-and-one-half years as a polisher, appellee moved to the laboratory to work as a wheel cutter. He was also required to use his hands in that role.

Appellee testified that he woke up on Labor Day 2004 with a twinge in his wrist, and at first thought maybe he had "slept wrong." At work the next day he noticed it was worse, but he "didn't think anything was wrong." Appellee testified that on Wednesday or Thursday of that week his entire arm and wrist had swollen, and he could barely move his thumb. At that point he reported the injury to his supervisor. Appellee further testified that he had experienced twinges during the last two years he was in the polishing department, but he had never before experienced the swelling. He said he would usually just "straighten out my fingers and shake it off, and just try to go back to work."

Appellee was referred to Dr. Thorn, who diagnosed him with right wrist tendonitis and right carpal-tunnel syndrome. Appellee was referred by Dr. Thorn to Dr. Moon for an NCV test on September 27, 2004. The test revealed that appellee had right carpal-tunnel syndrome of moderate severity. Appellee saw Dr. Thorn again on October 14, 2004, and

Dr. Thorn prescribed Celebrex and a wrist splint. Dr. Thorn also recommended that appellee see an orthopaedist.

The Commission found that “there is no question that the claimant’s carpal tunnel syndrome is established by objective medical findings.” In finding that appellee’s injury was compensable, the Commission focused on appellee’s credible testimony about his use of vibrating tools for eight-and-one-half years and his testimony that, although he had not complained to his employer, he had experienced similar symptoms previously in his tenure with his employer. The Commission reasoned that it “is well known that the use of vibrating tools can be a significant factor in the development of carpal tunnel syndrome.” The Commission noted that during the time previous to the manifestation of carpal-tunnel syndrome, appellee was still frequently using vibrating tools. The record supports these findings, and we cannot say that the Commission erred in finding that the appellee’s carpal-tunnel syndrome is compensable.

Affirmed.

HART and GLOVER, JJ., agree.